

Appl. No. 09/917,469  
Atty. Docket No. CM2017MC  
Amdt. dated August 18, 2003  
Reply to Final Office Action of June 17, 2003  
Customer No. 27752

### REMARKS

Claim 1 has been amended to claim an adhesive comprising, *inter alia*, "at least one-emulsified homogeneous phase or at least one emulsified phase, wherein all of said phases have a thickness greater than 50  $\mu\text{m}$ ." Support for the current Amendment to Claim 1 can be found in the Specification on page 14, line 16 – page 15, line 25, as originally filed. No new matter has been added. Claims 1-21 remain in this Application and are presented for the Examiner's reconsideration in light of the above Amendments and the following comments.

### Telephonic Interview

Applicants sincerely thank the Examiner for granting the after-final telephonic interview on August 6, 2003. Applicants are presenting the Amendments and comments as discussed with the Examiner to present the instant Application for immediate allowance.

### Rejection Under 35 U.S.C. §112

Claims 1 and 21 were finally rejected for containing indefinite limitations. As discussed during the telephonic interview, Applicants' Claims 1 and 21 have been amended previously to remove the objected limitations. Applicants respectfully request reconsideration and withdrawal of the Examiner's 35 U.S.C §112, ¶2 rejection to Claims 1 and 21.

### Rejection Under 35 U.S.C. §102

Claims 1-11 and 14-15 have been finally rejected under 35 U.S.C. §102(b) over Dietz, Patent Publication No. WO 97/05171. Applicants respectfully traverse this rejection.

In the attached Declaration under 37 C.F.R. §1.132, the Declarant, Stephen Allen Goldman, declares that, "the 'polymerized micro-emulsion pressure-sensitive adhesives' of Dietz are clearly distinguishable from the adhesive of the instant Application that comprise, *inter alia*, either 'at least one non-emulsified homogeneous phase or at least one emulsified phase wherein all phases have a thickness greater than 50  $\mu\text{m}$ .' This is because when considering their thermodynamic stability, micro-emulsions are properly considered as a single phase and thus can be described as an 'emulsified homogeneous phase' system. Considering their thermodynamic instability, mini- emulsions and macro-emulsions can be properly considered as having at least two phases and thus can be described as an 'emulsified multiple phase' system." Applicants respectfully believe Dr. Goldman's Declaration to speak for itself. Therefore, Dietz fails to teach each and every element of Applicants'

Appl. No. 09/917,469  
Atty. Docket No. CM2017MC  
Amdt. dated August 18, 2003  
Reply to Final Office Action of June 17, 2003  
Customer No. 27752

claimed invention. Thus, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) rejection with respect to Claims 1-21.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed (August 17 being a Sunday) pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,  
FABIO CINELLI, ET AL.

By 

Peter D. Meyer  
Attorney for Applicants  
Registration No. 47,792  
(513) 634-9359

August 18, 2003  
Customer No. 27752